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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,460	11/10/2000	Ken V. Pandya	206248	5210

7590 05/29/2003

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EXAMINER

CINTINS, IVARS C

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 05/29/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-7

# **Advisory Action**

Application No.  
**09/710,460**

Applicant(s)  
**Pandya**

Examiner  
**Ivars Cintins**

Art Unit  
**1724**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED May 9, 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE:

3. ☒ Applicant's reply has overcome the following rejection(s):  
the 35 U.S.C. 103(a) rejections contained in the Final Rejection dated April 9, 2003.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because:
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: None
- Claim(s) objected to: None
- Claim(s) rejected: 3, 6-8, 10, 11, 17-19, 22, 24-28, 30, and 32
- Claim(s) withdrawn from consideration: None
8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☒ Other: See attached supplement.

**IVARS CINTINS  
PRIMARY EXAMINER  
ART UNIT 1724**

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SUPPLEMENT TO ADVISORY ACTION

The proposed amendment filed May 9, 2003 has been entered, and the status of claims in this application is as follows:

Claims 3, 6-8, 10, 11, 17-19, 22, 24-28, 30 and 32 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The term "fluid process" (claim 17, line 1) appears to be a typographical error, and should be changed to "process fluid." Similarly, the term "said least one orifice" (claim 17, line 11) appears to be a typographical error, and should be changed to "said at least one orifice." The term "disposed at an angle other than perpendicular to a longitudinal axis" (claim 17, lines 11-12) is vague, and indefinite as to the limitation intended, since it is not clear which element having such a longitudinal axis is intended. Applicant is advised that an amendment positively reciting that the flow restrictor has a cylindrical wall, and that the at least one orifice is disposed at an angle non-perpendicular to the longitudinal axis of this cylindrical wall (see now canceled claim 29; and Fig. 4) would overcome this portion of the rejection. The term "said at least one restrictor opening" (claim 17, line 15) still lacks direct antecedent basis in the claim, and is hence somewhat indefinite.

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Applicant is advised that an amendment changing "opening" to "orifice" in line 15 of claim 17 would overcome this portion of the rejection. The term "interior cavity" (claim 24, line 12; claim 32, line 11) lacks direct antecedent basis in the claims, and is hence somewhat indefinite. Applicant is advised that an amendment changing "internal" to "interior" in lines 9, 11 and 14 of claim 24; and in lines 8, 10 and 13 of claim 32 would overcome this portion of the rejection. The term "at lease one orifice" (claim 24, line 15; claim 32, line 13) appears to be a typographical error, and should be changed to "at least one orifice." The term "such screen" (claim 24, line 16; claim 32, line 14) is vague, and indefinite as to the limitation intended. Applicant is advised that an amendment changing "such" to "said" in the above noted expressions would overcome this portion of the rejection. Also, a comma should appear between "cavity" and "said" in line 12 of claim 24. The term "the generally cylindrical wall" (claim 8, line 3) lacks antecedent basis in the claims, and is therefore indefinite. The term "said flow restrictors in a form of a tube" (claim 26) does not appear to be grammatically correct. The term "the wall" (claim 10, last line) is vague, and indefinite as to the limitation intended, since it is not clear which element (i.e. restrictor or auxiliary restrictor) is being referenced.

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The disclosure is objected to because of the following informalities: the restrictor wall in Fig. 4 of the drawings is improperly labeled as orifice **54** (see page 12, line 18 of the specification; and Fig.5). Appropriate correction is required.

In view of Applicant's amendment filed May 9, 2003, the art rejections contained in the Final Rejection dated April 9, 2003 are no longer applicable against the claims in this application. Accordingly, claims 3, 6-8, 10, 11, 17-19, 22, 24-28, 30 and 32 would be allowed if rewritten or amended to overcome the above rejection under 35 U.S.C. § 112.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas Dunn, can be reached at (703) 308-3318.

The fax phone numbers for this art unit are: (703) 872-9311 for "Official" faxes after Final Rejection; (703) 872-9310 for all other "Official" faxes; and (703) 872-9492 for "Draft" and other "Unofficial" faxes.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.



**Ivars C. Cintins**  
**Primary Examiner**  
**Art Unit 1724**

I. Cintins  
May 28, 2003